

## Message Text

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46/17

ACTION NEA-10

INFO OCT-01 ISO-00 IO-10 OMB-01 CIAE-00 DODE-00 PM-03 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /067 W

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R 230940Z JUN 75

FM AMCONSUL LAHORE

TO SECSTATE WASHDC 0469

INFO AMEMBASSY ISLAMABAD

AMCONSUL KARACHI

C O N F I D E N T I A L LAHORE 00718

C O R R E C T E D C O P Y TO ADD REFERENCE LINE

E.O. 11652: GDS

TAGS: PINT, PK

SUBJECT: NAP AND SUPREME COURT

REFERENCE: ISLAMABAD 05648

1. WALI KHAN'S SENIOR ATTORNEY IN SUPREME COURT HEARING ON GOP BAN OF NAP WAS MIAN MAHMOOD ALI KASURI, TEHRIK-I-ISTIQLAL MNA AND FORMER LAW MINISTER. LAHORE EDITIONS OF GOVERNMENT-CONTROLLED PRESS JUNE 20 FRONT-PAGED LENGTHY ACCOUNT OF PROCEEDINGS WHICH INCLUDED STATEMENT ATTRIBUTED TO WALI THAT HE "DID NOT HAVE THE SERVICES OF A COUNSEL OF THE CALIBER OF THE ATTORNEY GENERAL, AND WITHOUT FUNDS IT WOULD NOT BE POSSIBLE FOR HIM TO ENGAGE A COUNSEL OF THAT CALIBER." VISITING NEA/PAB OFFICER PECK AND I CALLED ON KASURI AFTERNOON JUNE 20 AND FOUND HIM WILLING TO DISCUSS SOME ASPECTS OF HIS INVOLVEMENT IN CASE.

2. KASURI MAINTAINED THAT HE HAD NOT BEEN CONSULTED ON WALKOUT BY DETAINED NAP LEADERS OR OTHER ATTORNEYS IN CASE, AND THAT WALI'S DECISION WAS NOT ONE WITH WHICH HE AGREED. HE SAID WALI WAS HEADSTRONG AND PRESUMABLY HOPED

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DRAMATIC WALKOUT WOULD INFLUENCE COURT AS WELL AS PUBLIC

OPINION, THOUGH KASURI WAS NOT PRIVY TO ENTIRE RATIONALE BEHIND WALI'S DECISION. HOWEVER, HE NOTED HE HAD PREVIOUSLY COMPLAINED TO COURT ON BEHALF OF WALI THAT TWO JUSTICES WERE FORMER CIVIL SERVANTS WHO HAD BEEN PARTY TO ADMINISTRATIVE DECISIONS AGAINST NAP LEADERS, AND THAT HE REQUESTED COURT TO EXCUSE THEM FROM PRESENT HEARING. (KASURI DID NOT PROVIDE DETAILS.) SINCE COURT REFUSED TO ACCEDE TO REQUEST, HE BELIEVED ONE OF WALI'S REASONS FOR WALKOUT WAS CONTINUED PRESENCE ON COURT OF TWO "OBJECTIONABLE" JUSTICES. HE ASSERTED THAT SUPREME COURT HAD AUTHORITY TO CALL WALI AND ANYONE ELSE WHO HE DESIRED AFTER GOVERNMENT CASE HAD BEEN PRESENTED SO THAT OTHER SIDE OF STORY COULD BE HEARD. MEANWHILE, KASURI SAID, HIS INVOLVEMENT IN CASE WAS TERMINATED BECAUSE HE HAD BEEN "DISMISSED" BY WALI.

3. ASKED HIS PROGNOSIS FOR OUTCOME OF CASE, KASURI DECLINED TO PREDICT ANYTHING WITH CERTAINTY. HOWEVER, HE INDICATED THAT, WHILE HE BELIEVED NAP LEADERS HAD A GOOD CASE, HE WAS NOT PARTICULARLY HAPPY WITH WAY IN WHICH IT WAS PRESENTLY BEING HANDLED. HE REPEATED NAP CONTENTION (IN PETITION TO SUPREME COURT) THAT PARTY DID NOT HAVE LARGE FINANCIAL RESOURCES AND POINTED OUT THAT IT WAS COSTLY FOR LEADERS TO BRING THEIR LAWYERS FROM LAHORE, PESHAWAR AND KARACHI TO RAWALPINDI WHEN COURT Sittings WERE INTERMITTENT. HE ASSERTED THAT NAP LEADERS SHOULD NOT BE EXPECTED TO LIQUIDATE THEIR OWN RESOURCES TO PAY LEGAL FEES WHEN GOP CASE WAS AGAINST PARTY, AND PARTY'S FUNDS HAD BEEN CONFISCATED.

4. IN PASSING, KASURI SAID HE HAD REASON TO BELIEVE THAT NAP LEADERS HAD SENT CERTAIN PERTINENT DOCUMENTS, INCLUDING CORRESPONDENCE BETWEEN WALI AND BHUTTO, "OUT-OF" COUNTRY." (IMPLICATION WAS THAT THEY HAD BEEN SENT TO AFGHANISTAN.) HE THOUGHT NAP LEADERS WERE HOLDING DOCUMENTS IN RESERVE AND THAT THEY WOULD PROBABLY BE PUBLISHED SHOULD NAP LOSE SUPREME COURT CASE. HE INDICATED DOCUMENTS WOULD BE DEROGATORY TO BHUTTO.

GRIFFIN

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